



## NEWINGTON TOWN PLAN AND ZONING COMMISSION

### PUBLIC HEARING and REGULAR MEETING

Tuesday, November 26, 2013

Helen Nelson Meeting Room

131 Cedar Street, Newington, CT 06111

7:00 p.m.

### A G E N D A

#### I. ROLL CALL AND SEATING OF ALTERNATES

#### II. APPROVAL OF AGENDA

#### III. PUBLIC HEARINGS:

- a. Petition #59-13: Special Exception (Section 6.2.4: Free Standing Business Sign) at 665 New Britain Avenue ("C&C Janitorial Supplies"). 665 CC Associates LLC, owner; C&C Janitorial Supplies, applicant; Grace Cafe, 665 New Britain Avenue, Newington CT, contact.
- b. Petition #60-13: Special Exception (Section 6.13: Accessory Apartment) at 18 Homecrest Street. Miguel Braga, owner/applicant; Attorney Jessica Dornelas, 350 Silas Deane Highway, Wethersfield CT, contact.
- c. Petition #61-13: Special Exception (Section 6.6: Liquor Store) at 256 Hartford Avenue ("Country Store Liquor"). Wethersfield Colonial LLC, owner; Rushabh LLC, applicant; Bhadresh Shad, 109 Coronado Drive, Newington CT, contact.
- d. Petition #47-13: Zoning Text Amendment (New Section 6.15: Medical Marijuana). Town Plan and Zoning Commission, applicant.

#### IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

#### V. REMARKS BY COMMISSIONERS

#### VI. MINUTES:

- a. November 13, 2013

RECEIVED & RECORDED IN  
NEWINGTON LAND RECORDS

2013 NOV 20 P 3: 37

BY *Tanya D Lane*  
TOWN CLERK

**VII. NEW BUSINESS**

**VIII. OLD BUSINESS**

**IX. PETITIONS FOR PUBLIC HEARING SCHEDULING**

- a. Petition #62-13: Zoning Text Amendment (Section 3.11.7: Fueling Station). Hayes-Kaufman Newington Associates LLC, applicant; Attorney Mark S. Shipman, 20 Batterson Park Road, Farmington CT, contact.

**X. TOWN PLANNER REPORT**

- a. Town Planner Report for November 26, 2013

**XI. COMMUNICATIONS**

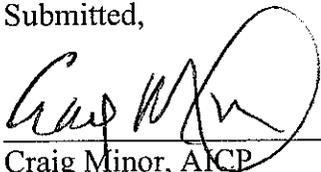
**XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)**

**XIII. REMARKS BY COMMISSIONERS**

**XIV. CLOSING REMARKS BY THE CHAIRMAN**

**XV. ADJOURN**

Submitted,



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Craig Minor, AICP  
Town Planner

ck#5410

Petition # 59-13



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 665 New Britain Ave ZONE: Industrial  
 APPLICANT: CDG TELEPHONE: 360-594-4200  
 ADDRESS: 665 New Britain Ave EMAIL: GRACE@CCSUPPLIES.COM  
 CONTACT PERSON: GRACE CAPE TELEPHONE: 360-594-4200  
 ADDRESS: see above EMAIL: see above grace@  
 OWNER OF RECORD: 665 ASSOCIATES LLC tesupplies.com

**THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):**

- Zoning Map Change from the \_\_\_\_\_ to the \_\_\_\_\_ Zone (Public Hearing required).
- Zoning Text Amendment to Section \_\_\_\_\_. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 6.2.4 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): \_\_\_\_\_

**SIGNATURE:**

<u>Grace Cape</u> APPLICANT	<u>10-22-13</u> DATE	<u>Grace Cape</u> OWNER	<u>10-22-13</u> DATE
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**COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).**

**NOTE:**

PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.



October 24, 2013

**Request to update our company sign to let the public know that we sell Generators, Firewood and Pressure Washers.**

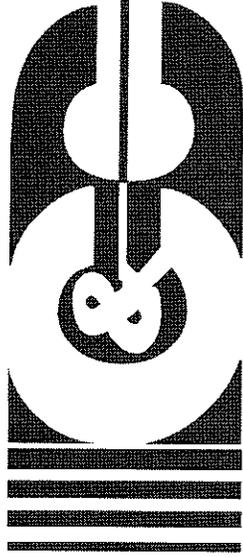
**The sign consists of adding under the current sign a plastic ¼" thick 16" height x 70" width with 3" letters per attached copy.**

**JANITORIAL  
& SUPPLIES**

665 New Britain Ave.

**NOTICE  
PUBLIC HEARING  
TOWN OF  
NEWINGTON  
CALL 665-8575**

41



**JANITORIAL  
SUPPLIES**

**665 New Britain Ave.**

- Snowblowers • Lawn Mowers • Ice Melt
- Generators • Firewood • Pressure Washers

70''

1/6

**STAFF REPORT**  
***Free-Standing Sign for C&C Janitorial***

November 19, 2013

**Petition #59-13:**

**Special Exception (Section 6.2.4: Free-standing Business Sign)**  
**655 New Britain Avenue ("C&C Janitorial Supplies")**  
**C&C Janitorial Supplies, applicant; Grace Cafe, contact.**

**Description of Petition #52-13:**

The applicants would like to add a line of text onto the bottom of the existing "C&C Janitorial Supplies" sign, increasing the total area of the sign by 7.8 square feet. Section 6.2.4 allows such signs in any non-residential zone by special exception.

**Staff Comments:**

This will make the message area of the existing sign slightly larger, but since it will not increase the sign's height nor width, I don't think it will have any aesthetic impact on the neighborhood, nor will it create a sight line issue.

I told Ms. Cafe that if C&C Janitorial Supplies wants to display firewood, snow blowers, etc. outside, they need formal TPZ approval. The zoning regulations don't say what form this approval should be in, so I recommend it simply be addressed in whatever action the TPZ takes on the sign request. I told Ms. Cafe to be sure to bring it up during her presentation.

cc:  
file

**STAFF REPORT**  
***Accessory Apartment***

**November 18, 2013**

**Petition #30-12**

**Special Exception (Section 6.13: Accessory Apartment)**

**18 Homecrest Street**

**Miguel Braga, owner/applicant; Attorney Jessica Dornales, contact**

This application has been withdrawn.

cc:  
file

OK# 2722

#61-13



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 256 Hartford Avenue ZONE: P.D. Plan Development

APPLICANT: Rushabh, LLC TELEPHONE: 860-337-0338

ADDRESS: 109 Coronado Drive, Newington, CT 06111 EMAIL: bshah339@yahoo.com

CONTACT PERSON: Bhadresh Shad TELEPHONE: 860-371-6368

ADDRESS: 109 Coronado Drive, Newington, CT 06111 EMAIL: bshah339@yahoo.com

OWNER OF RECORD: Wethersfield Colonial, LLC

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the ... to the ... Zone (Public Hearing required).
Zoning Text Amendment to Section ... A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
Subdivision
Resubdivision (Public Hearing required).
Special Exception per Section 6.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required). LIQUOR STORE - ALCOHOLIC BEVERAGES
Site Plan Approval or Modification
Other (describe in detail, or attach):

SIGNATURE:

Signature box containing APPLICANT (Rushabh, LLC), OWNER (Pena & Miller), and DATE (11/7/2013) with handwritten signatures and dates.

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE: PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION.

## NARRATIVE

The applicant, Rushabh, LLC, managing member, Bob Shah, has operated the current package store, at his location on 256 Hartford Avenue, Newington, Connecticut, since the year 2000. As far as we can tell, prior package stores operated out of this location since at least 1988.

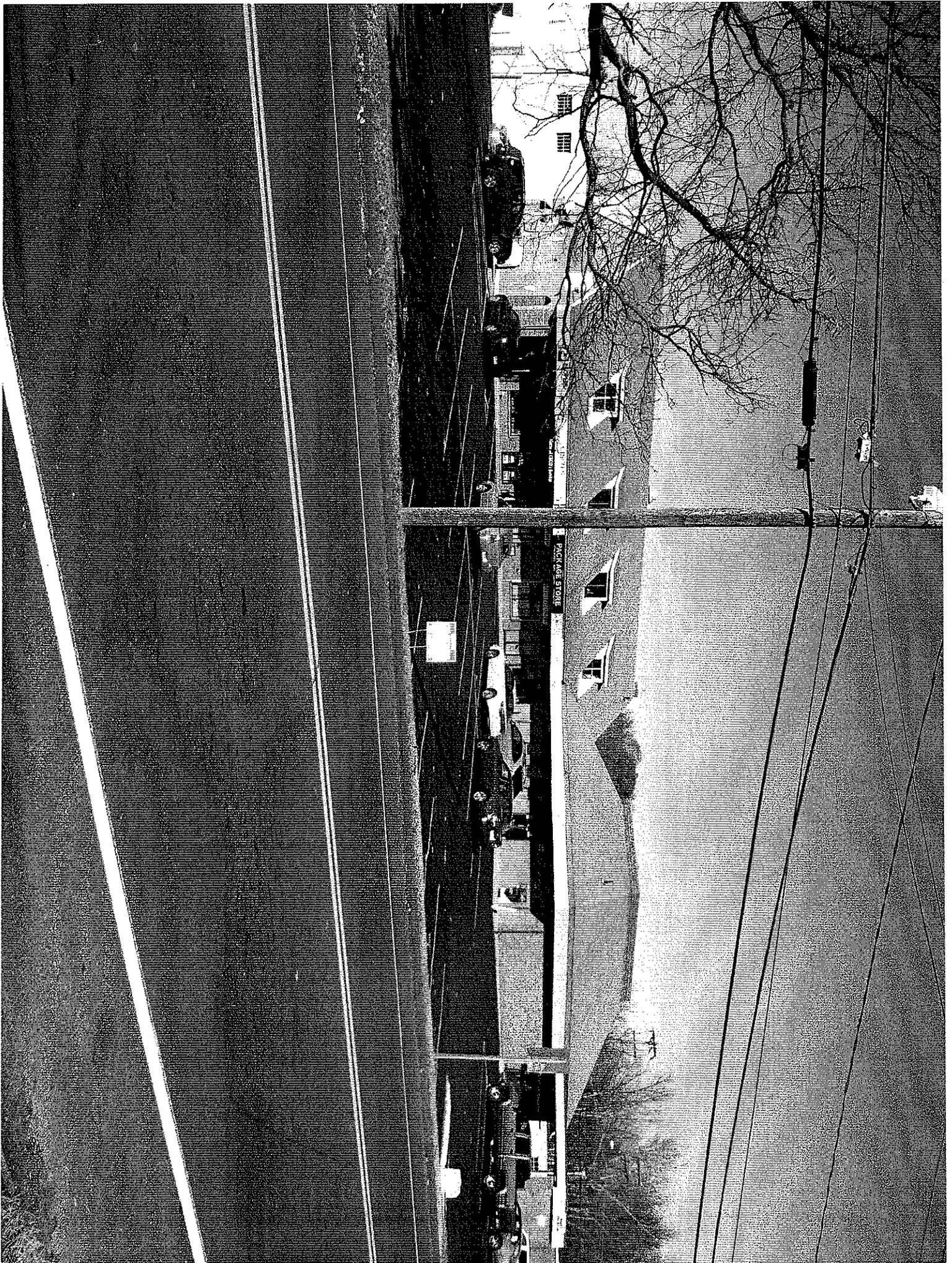
The package store has changed owners several times since 1988. In 2000 when Mr. Shah bought the business, he applied for a liquor permit as required by the Department of Consumer Protection. Per the application, the zoning enforcement officer, Arthur W. Hanke, signed the application as required.

Moreover, Mr. Shah annually updated his permit with the Town Clerk.

It is reasonable to assume, and required by the State Liquor Commission, that all prior owners were required to do the same thing.

Unfortunately, no record of a special permit, etc. can be found.

Mr. Shah has signed a contract to sell the business. The prospective purchaser is now requesting that we obtain a special permit to substitute for the one we felt we had. The applicant respectfully requests the commission to issue a "replacement" permit and rectify this unfair situation now before you.



Law Offices  
Thomas P. Tabellione, P.C.  
35 Pearl Street • Suite 203  
New Britain, Connecticut 06051-2651

Tel. # 860-224-3173  
Fax # 860-223-5173  
Email: ttabellione@snet.net

Thomas P. Tabellione

November 21, 2013

Mr. Craig Minor  
Town Planner  
Town of Newington  
131 Cedar Street  
Newington, CT 06111

RE: Country Package Store  
256 Hartford Avenue  
Newington, Connecticut  
Town Planning & Zoning Commission  
Public Hearing - November 26, 2013

Dear Mr. Minor:

I represent Rushabh, LLC and its managing officer, Bhadresh Shah. I would like to set forth the following information in hopes of our recently filed application for a Special Exception, per section 6.6 regarding a Liquor Store -Alcoholic Beverages, being granted without the necessity of our presence at the public hearing scheduled for November 26, 2013.

Rushabh, LLC entered into a purchase and sales agreement on July 17, 2013 to sell the assets of the business known as the "Country Package Store" located at 256 Hartford Avenue, Newington, Connecticut.

Incorporated in said agreement was our representation that the performance of the agreement did not violate any "local law" regarding the operation of the business.

While discussing the terms of the agreement with the purchaser and its representative, the question arose regarding the existence of all operating permits. Since we had been operating the business in good standing for over thirteen years, we told the purchaser that we thought all permits were in order.

For the purposes of fulfilling our obligations under the contract, we took it upon ourselves to review all relevant documents just to make certain all requirements had been met. After our investigations and as a result of discussing this further with the prospective purchaser,

it came to our attention that there was something awry with the local permit needed to operate the business and the operating status of the location. Needless to say, this caused great angst to my client.

Employing the Freedom of Information Act, we were able to obtain a copy of our original Liquor License application, dated on or about March 1, 2000, from the Department of Consumer Protection (see a copy of the relevant pages attached hereto and being referred to as Schedule A).

Please note the consent of the zoning enforcement officer (section B(5)), and of the Town Clerk (section B(6)). Also, please find the recently recorded liquor permit for 2013 (See Schedule B).

We decided it was necessary to pursue our line of investigation to determine the purview of the problem. We reviewed the land records and numerous Town Planning and Zoning minutes. We also reviewed records at the assessor's office. Moreover, we spoke to several persons with personal knowledge of the situation.

It was determined that the building (or at least a portion of it) was built in 1972. It was owned by a brother and brother-in-law partnership, both of whom died. It was subsequently owned by the sister and former wife of the original owner. I believe they remain as the current owners.

It is our understanding that a package store operated in the location soon after it was built. Its name was "Lucien's". The owner was an ex-fireman from Hartford. He sold it to a retired state trooper in 1988. It was then called the "Wine Loft".

Anecdotely, it was then sold to a fellow who wore a cowboy hat and he changed the name to "Country Package Store". In 1992, the store was sold to RDS, LLC, who in 2000 sold it to my client. Since that time, the location itself has operated as a package store for approximately 40 years.

It is assumed that each of the above transactions needed numerous approvals from the state and local agencies. Considering the substantial scrutiny given to the opening and operation of a package store by all relevant authorities, it is difficult to believe that all necessary requirements were not complied with at every stage of the transactions.

Please understand that because of the nature of the problem, all of the above information could not be verified.

However, I can personally attest to the fact that I reviewed all written records and documents, and there is every indication that all information received by the persons spoken to was credible and reliable.

It is also of importance that for the last 13 years, my clients have had and appropriately renewed all lottery, cigarettes, and liquor permits. They have always fulfilled their federal, state, and local tax obligations in a timely fashion. Certainly, not the portrait of one who would not comply with local zoning regulations.

A review of the zoning requirements indicates that my client meets all distance requirements and signs have been placed in an appropriate and timely manner. There is no negative effect to the public order and the location is harmonious with the town's zoning plan. The location is not in close proximity to any of the named "sensitive areas" and is not at all likely to effect the safety or morals of the person in the area. There is no evidence of a concentrated area of liquor store outlets nor is there any indication of any traffic problems. All the dictates of the regulations have been complied with.

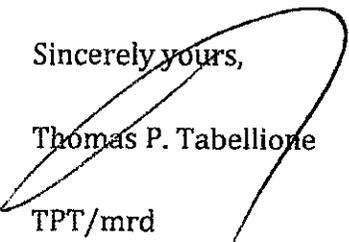
One possible, but not verified, explanation for this lack of proof of the required documentation is that there has been a relocation of stored documents. It is certainly feasible and possibly the only credible explanation of what might have happened.

In any event, it is terribly unfair that Mr. Shah and his company should suffer for this situation. It has caused a substantial financial and emotional hardship. He needs your assistance to rectify this inequity. A "replacement" permit should be granted without the need of a public hearing and their application fee should be returned.

It would be inappropriate for me not to acknowledge the kind assistance that you and Mr. Hanke had given myself and my clients. We have raised our concerns in numerous telephone conversations, written correspondence, and personal discussions. You both have patiently listened to our complaints and addressed our concerns.

Thank you for your assistance.

Sincerely yours,

  
Thomas P. Tabellione

TPT/mrd

Enc./File #20043

Schedule H

L.P. 133360ASH

Application for Lique. Permit

STATE OF CONNECTICUT

LC28 Rev 9/97

DEPARTMENT OF CONSUMER PROTECTION

BEFORE THE LIQUOR CONTROL COMMISSION

2603-3425

RETURN TO State of Connecticut Department of Consumer Protection Liquor Division Room 110 165 Capitol Avenue Hartford, CT 06106-1630	<b>DO NOT WRITE HERE, FOR USE OF LIQUOR DIVISION ONLY</b>	
	DATE APPLICATION RECEIVED	AMOUNT OF FEE RECEIVED
		DATE FEE RECEIVED
	ATTORNEY: ADDRESS: TELEPHONE:	RECEIPT NO.

A. THIS SECTION MUST BE COMPLETED PRIOR TO OBTAINING LOCAL SIGNATURES.

ENTER HERE THE TYPE OF PERMIT DESIRED PACKAGE STORE LIQUORATIO YES \_\_\_\_\_ NO X  
List type of live entertainment (be specific) - N/A -

B. BUSINESS TELEPHONE NO.

(860) 667-0338

TRADE NAME

COUNTRY PACKAGE STORE

Present

Proposed

1. ADDRESS AT WHICH BUSINESS WILL BE CONDUCTED (No., St., Town or City, Zip Code)

256 HARTFORD AVE NEWINGTON CT 06111

2. MAILING ADDRESS (if different)

- Same -

3. IS THERE NOW A PERMIT ON THE PROPOSED PREMISES?

YES  NO

If yes, give permit number and permittee name.

- L.P. 12835

4. FIRE MARSHAL APPROVAL (Required for Restaurant, Tavern, Cafe, Hotel, or Club Permit)

Signature must be less than 60 days old, to certify that the premises identified in item 1 are physically constituted so as to be safe for the type of business for which this permit is sought.

DATE

signature of FIRE MARSHAL

5. CERTIFICATE OF ZONING AUTHORITY: This is to certify that the building in item 1 of this section is located in the town or city there stated; that I am acquainted with the zoning ordinances and bylaws of said town or city; and that, at this location, said town or city does not prohibit the sale of alcoholic liquor under the type of permit here applied for. Signature must be less than 60 days old.

Name of Town or City

NEWINGTON

Name of Zoning Authority

Town Planning & Zoning Commission  
Arthur W Hawke Zoning Enforcement Officer

Date

3-1-2000

Signature of Authorized Officer

Arthur W Hawke

Title

Zoning Enforcement Officer

6. CERTIFICATE OF TOWN CLERK (Signature must be less than 60 days old)

a. Said town or city has no ordinance reducing the hours of sale of alcoholic liquors except as stated below

as per State Statute

Date  
3/1/00

Name of Town or City  
Newington

Signature of Town or City Clerk

John J. ...

C. FOR APPLICANT ONLY (Permitter)

HOME TELEPHONE NO. (860) 666 - 3001

1. NAME AND HOME ADDRESS OF APPLICANT

BHADRESH B. SHAH  
65, CAMBRIDGE DR APT D  
NEWINGTON CT 06111

DATE OF BIRTH

12-19-1960

D. WHOLESALERS AND MANUFACTURERS

ATF PERMIT #

- N/A -

AMT OF BOND POSTED

E. FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN)

06-1573126

F. TYPE OF OWNERSHIP

**G. EACH INDIVIDUAL LISTED MUST SUBMIT A COMPLETED PERSONAL HISTORY FORM**

NAME (Include Maiden or previous married) <b>BHADRESH. B. SHAH</b>	BIRTH DATE <b>12-19-1960</b>
NAME (Include Maiden or previous married)	BIRTH DATE
NAME (Include Maiden or previous married)	BIRTH DATE
NAME (Include Maiden or previous married)	BIRTH DATE
NAME (Include Maiden or previous married)	BIRTH DATE
NAME (Include Maiden or previous married)	BIRTH DATE

**H. FOR BACKER IF CORPORATION, UNINCORPORATED ASSOCIATION, OR LLC**

NAME OF CORPORATION OR ASSOCIATION <b>RUSHABH LLS</b>		
STATE WHERE ORGANIZED <b>CONNECTICUT</b>	DATE OF ORGANIZATION <b>JAN-27-00</b>	DATE AUTHORIZED TO DO BUSINESS IN CT <b>JAN-27-00</b>

**OFFICERS AND DIRECTORS, LLC MANAGERS**

NAME & TITLE	NUMBER OF SHARES	D/O/B

**SHAREHOLDERS, LLC MEMBERS**

NAME	NUMBER OF SHARES	D/O/B
<b>BHADRESH. B. SHAH.</b>	<b>100%</b>	<b>12-19-60</b>

**PLEASE ATTACH**

Certificate of incorporation and proof of filing (if incorporated within 1 year) OR certificate of good standing (if incorporated more than 1 year)

**I. LTD partnership (list names and D/O/B)**

**DATE ORGANIZED**

**GENERAL PARTNERS**

**J. FOR APPLICANT, BACKERS (including Corporations or Unincorporated Associations) AND FOR PACKAGE STORES ONLY IMMEDIATE FAMILIES OF APPLICANT AND BACKERS.**

Complete the following lines 1 through 3, as they apply to the applicant, to each backer who is an individual owner or partner, to corporations or unincorporated associations. For Package Stores Only, members of the immediate family of such applicant or backer must also complete (Immediate family includes father, mother, son, daughter; husband, wife).

**1. LIQUOR PERMITS HELD NOW OR PREVIOUSLY (As permittee or backer, in CT or elsewhere)**

a. By applicant, individual backers, LLC members, general partners (Give name, class of permit, dates held, address of business)

— NONE —

b. By corporation, LLC, officers or directors of corporation or LTD Partnership (Give class of permit, dates held, name of corporation, name of stockholder and shares held)

— NONE —

**2. PREVIOUS LIQUOR PERMITS REFUSED, REVOKED, FORFEITED, OR SUSPENDED (In CT or elsewhere). Give names and dates.**

— NO — First time apply for Liquor permits

**3. LOANS OR CREDITS RECEIVED FROM MANUFACTURERS OR WHOLESALERS OF ALCOHOLIC LIQUORS.** In this section list all cases in which the above persons, or any employee or agent of these persons, has borrowed money or received credit in any form for a period in excess of thirty (30) days, directly or indirectly, from any manufacturer permittee of alcoholic liquors or backer thereof, or from any wholesaler permittee of alcoholic liquor or backers thereof, or from any member of the family of such manufacturer permittee or backer thereof, or from any stockholder in a corporation manufacturing or wholesaling alcoholic liquors. Give the name of any person to whom money was loaned or credit extended, date, and amount for each such case.

— NONE —

K. I/we RUSHABH LLC have rented the premise located at 234 HARTFORD AVE NEWINGTON CT 06457  
Name of lessee place of business premises

Is there a rent percentage contained in the lease? Yes  No  If yes, provide copy of lease.

**L. APPOINTMENT OF APPLICANT AS PRINCIPAL REPRESENTATIVE (If applicant is not to be sole owner)**

By signature on this application, the backers of the proposed applicant agree to appoint him as principal representative on the premises where the sale of alcoholic liquor is to be permitted and to vest in him the same full authority and control of these premises and of the conduct of all business therein relative to the sale of alcoholic liquor as said backers could in any way have and exercise; and the applicant agrees to accept such authority and control.

n/c

**SIGNING AUTHORITY FOR CORPORATE OFFICIALS**

**INSTRUCTIONS**

Prepare and submit to the State of Connecticut, Department of Consumer Protection, Liquor Control Commission. This must be signed in ink by a corporate official. This form may be used to list the corporate officials, or employees (if any), who are authorized by the articles of incorporation, the bylaws, or the board of directors in adopted resolutions or motions, to act on behalf of the corporation or to sign its name. If the authorization to sign is granted by position title, rather than to specific individuals by name, a new authorization will not be needed each time a change of incumbent occurs. WHERE THE AUTHORIZATION IS NOT GRANTED BY THE ARTICLES OF INCORPORATION, THE BYLAWS, OR ACTION BY THE BOARD OF DIRECTORS, POWER OF ATTORNEY MUST BE SUBMITTED

**NAME AND COMPLETE ADDRESS OF CORPORATION**

BOARD MEETING  
 DIRECTORS  TRUSTEES  MANAGERS  GOVERNORS

DATE MEETING HELD

THE FOLLOWING CORPORATE OFFICIALS, EMPLOYEES, OR INCUMBENTS OF THE OFFICES LISTED ARE AUTHORIZED TO SIGN, OR TO APPOINT PERSONS AUTHORIZED TO SIGN, DOCUMENTS (Specify type of documents) SUBMITTED ON THE CORPORATION'S BEHALF TO THE STATE OF CONNECTICUT, DEPARTMENT OF CONSUMER PROTECTION, LIQUOR CONTROL COMMISSION.

**M. SIGNATURES**

This application must be signed and sworn to by the applicant and all backers. If backer is a corporation or an unincorporated association, application must be signed and sworn to by an authorized agent. If permittee is sole backer, permittee must sign line 1 K only. **ALL PARTNERS MUST SIGN.**

1. APPLICANT (Permittee and/or sole owner) <i>[Signature]</i>	4. BACKER-OWNER (Partner/or General Partner)
2. BACKER-OWNER (Partner/or General Partner)	5. BACKER-OWNER (Partner/or General Partner)
3. BACKER-OWNER (Partner/or General Partner)	6. BACKER-OWNER (Authorized Agent of Corporation or Unincorporated Association or LCC Member or Manager) <i>[Signature]</i>

**N. SIGNATURES**

1. FOR APPLICANT	PERSONALLY APPEARED the above named <u>BHADRESH B. SHAH</u> and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF <u>Connecticut</u> COUNTY OF <u>Hartford</u>	SS. (Date) <u>3/1/00</u> <u>Newington</u>	BY (Signature) <i>[Signature]</i>	<input checked="" type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court
2. FOR BACKER	PERSONALLY APPEARED the above named ..... and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF _____ COUNTY OF _____	SS. (Date)	BY (Signature)	<input type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court
3. FOR BACKER	PERSONALLY APPEARED the above named ..... and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF _____ COUNTY OF _____	SS. (Date)	BY (Signature)	<input type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court
4. FOR BACKER	PERSONALLY APPEARED the above named ..... and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF _____ COUNTY OF _____	SS (Date)	BY (Signature)	<input type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court
5. FOR BACKER	PERSONALLY APPEARED the above named ..... and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF _____ COUNTY OF _____	SS (Date)	BY (Signature)	<input type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court
6. FOR BACKER	PERSONALLY APPEARED the above named <u>BHADRESH B. SHAH</u> and made oath to the truth of the statements contained in his/her answers to the foregoing questions.		
STATE OF <u>Connecticut</u> COUNTY OF <u>Hartford</u>	SS (Date) <u>3/1/00</u> <u>Newington</u>	BY (Signature) <i>[Signature]</i>	<input checked="" type="checkbox"/> Notary Public <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> Comm. of Superior Court

**STAFF REPORT**  
**Alcohol Permit for "Country Package Store"**

November 21, 2013

**Petition #61-13:**

**Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages)**  
**256 Hartford Avenue ("Country Package Store")**  
**Rushabh LLC, applicant; Bhadresh Shah, contact**

**Description of Petition #61-13:**

This is an existing business located in a small retail building in the PD zone. The owner of the business is in the process of selling it, and the prospective buyer discovered that there is no TPZ liquor permit on file. At the request of the prospective buyer, the owner is therefore now applying for one.

**Town Planner Comments:**

According to the applicant, there has been a package store at this address continuously since at least 1970. Section 6.6 of the Zoning Regulations requires a special exception to sell or serve alcohol, but this regulation only took effect some time between 1983 and 1988; prior to 1983 no special exception was required to sell or serve alcohol. That would explain why there is no special exception is on file.

Section 6.6 states that "A building in which alcoholic beverages are sold under any class of liquor permit shall meet the following distance requirements in relation to any other location with the same class of permit." I did a cursory examination of the area and did not observe any other package stores within 500', but even if I had, I would not recommend using that as a basis for denying this application since there appears to have been a package store in lawful existence at this address for over forty years.

cc:  
file

## **PROPOSED**

### **Medical Marijuana Dispensary and Production Zoning Regulations**

#### **Section 6.15 Medical Marijuana Dispensary and Production**

6.15.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities and production facilities. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Newington's neighborhoods, commercial districts, property values and quality of life.

6.15.2 Definitions. For use in this section of the Regulations:

A. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Public Act 12-55 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

B. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Public Act 12-55 and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

6.15.3 Applicability:

A. Medical marijuana dispensary facilities and production facilities shall be permitted only in the following zone, subject to special exception approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section:

1. I Industrial Zone

6.15.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of a church, temple or other place used primarily for religious worship, public building, private recreation area, or a school, playground, park or child day care facility;

B. No medical marijuana dispensary facility or production facility shall be allowed within 1,000 feet of any other site containing a medical marijuana dispensary facility or production facility;

C. No medical marijuana dispensary facility or production facility shall be allowed on a site that is less than 1,000 feet from any property that is zoned for single-family residential use as a permitted use;

D. No medical marijuana dispensary facility or production facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes;

E. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

6.15.5 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18". No graphics of any kind will be allowed, and the text will be limited to the street address of the facility.

6.15.6 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section 6.1 of these regulations.

6.15.7 Security Requirements:

A. All medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations;

B. The hours of operation for medical marijuana dispensary facilities and production facilities shall be limited to between 7:00 a.m. and 5:00 p.m., all days of the week.

6.15.8 Conditional Approval:

A. Special Exceptions shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

B. The conditional approval shall become finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued permit;

C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued permit within six months of the date of the TPZ's conditional approval.

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection permit has been filed, indicating the expected decision date of the Department of Consumer Protection permit.

6.15.9 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town Plan and Zoning Commission with a copy of the appropriate Dispensary or Production Facility permit issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed permit.

**Minor, Craig**

**From:** Timothy Malone [tim@ccrpa.org]  
**Sent:** Tuesday, November 12, 2013 11:15 AM  
**To:** Minor, Craig  
**Cc:** Steven Schiller (sschiller@newbritainct.gov); kstewartson@crcog.org  
**Subject:** Regional Referral Final Action (Newington)

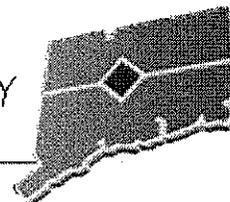
## CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

*Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington*

225 North Main Street, Suite 304  
 Bristol, CT 06010-4993

Internet: <http://ccrpa.org>  
 Fax/TDD: (860) 589-6950

Tel: (860) 589-7820  
 or (860) 224-9888



### PLANNING AND ZONING COMMISSION

### REPORT ON ZONING REFERRAL

Town of Newington

**To:** Craig Minor, Town Planner

**From:** Timothy Malone, Senior Planner

**Date:** November 12<sup>th</sup>, 2013

**Referral Description:** The Town of Newington is proposing changes to their regulations to permit medical marijuana dispensary facilities and regulate their location. Such facilities would be permitted in industrial zones with a special exception and site plan approval. Such facilities must also obtain all necessary state permits and comply with restrictions on hours of operations.

**Comment:** The staff of CCRPA has reviewed these referrals and finds **no conflict** with regional plans and policies or the concerns of neighboring towns. The CCRPA Comprehensive Plan Committee (CPC) voted to find the proposal **not in conflict** at the November 7, 2013 meeting.

Questions concerning this referral should be directed to Timothy Malone.

This email represents the final CCRPA action on this referral.

The public hearing date is set for November 26<sup>th</sup>, 2013.

Best regards,

Timothy Malone  
 Senior Planner  
 Central Connecticut Regional Planning Agency  
 225 North Main St, Suite 304  
 Bristol, CT 06010  
 (860) 589-7820 x 154 | [tim@ccrpa.org](mailto:tim@ccrpa.org) | [www.ccrpa.org](http://www.ccrpa.org)

11/13/2013

**Minor, Craig**

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**From:** Steven Schiller [sschiller@NewBritainCT.gov]  
**Sent:** Thursday, October 31, 2013 9:35 AM  
**To:** Timothy Malone; hriggins@town.berlin.ct.us  
**Cc:** Minor, Craig; kstewartson@crcog.org  
**Subject:** RE: Zoning Referral (Newington)

Tim-

No objections from NB  
Looks good, one of more sensible ones I've seen or heard about.

Steve

*Steven P. Schiller, AICP*  
Planner, City of New Britain  
Economic Development Division  
Phone #: 860-826-3430  
Cell #: 860-839-7665  
[SSchiller@NewBritainCT.gov](mailto:SSchiller@NewBritainCT.gov)

*"Because a failure to plan is a plan for failure"*

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**From:** Timothy Malone [mailto:tim@ccrpa.org]  
**Sent:** Wednesday, October 30, 2013 3:17 PM  
**To:** Steven Schiller; hriggins@town.berlin.ct.us  
**Cc:** 'Minor, Craig'; kstewartson@crcog.org  
**Subject:** Zoning Referral (Newington)

The Central CT Regional Planning Agency received a referral from the Town of Newington. Please see the attached original submittal PDF. Please send any comments via email by November 7<sup>th</sup>, 2013.

Regards,

Timothy Malone  
Senior Planner  
Central Connecticut Regional Planning Agency  
225 North Main St, Suite 304  
Bristol, CT 06010  
(860) 589-7820 x 154 | [tim@ccrpa.org](mailto:tim@ccrpa.org) | [www.ccrpa.org](http://www.ccrpa.org)

**STAFF REPORT**  
***Medical Marijuana Zoning Amendment***

November 19, 2013

**Petition #47-13**

**Text Amendment for New Section 6.15 (Medical Marijuana Dispensing and Production)  
Town Plan and Zoning Commission, applicant**

**Description of Petition #47-13:**

The Connecticut legislature recently adopted Public Act 12-55, which allows the production (growing and processing) and the dispensing of medical marijuana after obtaining the appropriate license from the Connecticut Department of Consumer Protection. Patients who are receiving treatment for a debilitating medical condition (cancer, glaucoma, HIV/AIDS, Parkinson's disease, multiple sclerosis, damage to the spinal cord, epilepsy, cachexia, wasting syndrome, Crohn's disease, and PTSD) will be able to register with the State and purchase medical marijuana from a licensed dispensary.

Newington's zoning regulations are silent on the production and dispensing of medical marijuana, so a zoning amendment has been proposed by TPZ to regulate medical marijuana production and dispensing in Newington.

**Background:**

Public Act 12-55 ("An Act Concerning the Palliative Use of Marijuana") was signed into law by Governor Dannel Malloy on May 31, 2012. It directs the Department of Consumer Protection (DCP) to license the production of medical marijuana by a specified number of producers, and to license its distribution by an unspecified number of pharmacists to patients (or their care givers) who are registered with the DCP. The details of the operating and licensing of these facilities are contained in DCP regulations which were approved this past September.

Several Connecticut towns have adopted zoning regulations to specifically regulate the production and dispensing of medical marijuana (e.g. Canton, Torrington, and Southington). Some towns, such as in Middletown, reviewed their regulations and determined that no amendments were necessary. Other towns, such as West Hartford and North Branford, felt that their zoning regulations implicitly allowed the production and dispensing of medical marijuana "as of right" and were not comfortable with this, so they adopted moratoria to give themselves time to review and possibly amend their regulations.

In Newington, the consensus of the TPZ commissioners was that the production and dispensing of medical marijuana ought to be allowed through the Special Exception process, and that the zoning regulations should therefore be amended accordingly. This approach would give the public the opportunity to participate in writing those regulations, and the opportunity to comment on individual applications.

**Summary of the Proposed Regulation:**

1. Applicability and Separation Requirements: Production and dispensing is restricted to the Industrial zone only. Sites must be at least 1000' from any church (i.e. place of worship), school, or playground and also at least 1000' feet from any residential zone.

2. Signage: Just the street address; no graphics and no text that identifies the activity. DCP regulations prohibit a registered patient from purchasing medical marijuana at any dispensary other than the one the patient is registered at, so there is no need for identifying signage.

3. Security Requirements: Production and dispensing facilities must have "an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment". Hours of operation shall be limited to between 7 a.m. and 5 p.m., seven days a week.

**Referral of the Proposed Regulation to Regional Planning Agencies:**

A copy of the proposed regulation was sent to the Capital Region Council of Governments (CRCOG) and to the Central Connecticut Regional Planning Agency (CCRPA) for their review, in accordance with Sec. 8-3b of the Connecticut General Statutes.

The CCRPA staff reviewed the proposed regulation and found "no conflict with regional plans and policies or the concerns of neighboring towns". The CCRPA Comprehensive Plan Committee found the regulation "not in conflict". As of this writing no finding has been reported by CRCOG.

cc:  
file

OL# 12924

TOWN OF NEWINGTON  
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	# 62-13
SUBMITTED DATE:	11/18/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: Rear Fenn Road ZONE: B. Business

APPLICANT: Hayes-Kaufman Newington Assoc, LLC TELEPHONE: (860) 646-0131

ADDRESS: 1471 Pleasant Valley Rd. Manchester, CT EMAIL: rich@hayesdevelopers.com

CONTACT PERSON: Mark S. Shipman TELEPHONE: (860) 606-1700

ADDRESS: 20 Batterson Park Rd Farmington, CT 06032 EMAIL: \_\_\_\_\_

OWNER OF RECORD: Fenn Road Associates, LLC

THIS APPLICATION IS FOR: (CHECK ONE OF THE FOLLOWING)

- Zone Change to the \_\_\_\_\_ Zone (Public Hearing required)
- Zoning Amendment to Section 3.11.7 (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section \_\_\_\_\_ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) \_\_\_\_\_

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

Hayes-Kaufman Newington Associates, LLC  
[Signature]  
APPLICANT by Mark S. Shipman DATE 11/18/13

Fenn Road Associates, LLC  
[Signature]  
OWNER by Mark S. Shipman DATE 11/18/13

NOTE:

PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

**The Applicant proposes an amendment to Section 3.11.7 of the Zoning Regulations of the Town of Newington in order to provide a Special Exception "Fueling Station" use to permit a Fueling Station on property either within or adjacent to a Shopping Center, both properties being in a B Business Zone within a Shopping Center in the B Business Zone.**

**Section 3.11.7 is hereby amended as follows:**

3.11.7 A Fueling Station located within, or on property adjacent to a Shopping Center and subject to the following requirements:

- (a) Shopping Center shall have a principal building containing a Supermarket Grocery Store occupying not less than sixty thousand (60,000) square feet as its Principal Tenant.
- (b) The Fueling Station must be on the Shopping Center Premises or it must be on property abuts and is adjacent to the Shopping Center.
- (c) Principal Tenant must be the lessee of the Fueling Station premises and beneficiary of the Special Permit.
- (d) Any Special Permit shall be subject to all of the provisions of Section 5.2 of these Regulations;
- (e) The Fueling Station shall be serviced by a building containing not more than two hundred (200) square feet.
- (f) The sale of products shall be limited to gasoline, diesel fuel, fuel oil in enclosed containers, antifreeze, natural gas for use in an internal combustion engine, electricity used to power motor vehicles and compressed air for filling tires.
- (g) No other products may be sold on the premises other than as may be sold through vending machines which shall be located inside the building
- (h) There shall be no repairs or vehicle maintenance performed on the premises.
- (i) The location of the Fueling Station shall be subject to receipt of a Certificate of Approval in accordance with Section 6.11 excluding the provisions of Sections 6.11.6 and 6.11.8.
- (j) No outside storage of any motor vehicles shall be permitted.

- (k)* There shall be no outdoor display of merchandise, except that motor oil and other fluids for motor vehicles may be displayed on racks, designed therefore, immediately adjacent to the building.
- (l)* Storage tanks for gasoline and other motor vehicle fuels shall be located underground in compliance with pertinent state and local codes and regulations.
- (m)* There shall be no storage and or dumping of waste materials.
- (n)* There shall be no sleeping quarters in the building.
- (o)* The sign provisions of Section 6.2 shall apply.
- (p)* There shall be no direct ingress or egress from or to any street or highway from the Fueling Station location. All ingress and egress shall be from within the shopping center over internal drives established for that purpose.
- (q)* The architectural style and design of the Fueling Station building (including but not limited to the canopy over the pumps) shall be approved by the Commission and shall be compatible with the architectural style and design of the primary buildings of the Shopping Center of which it is to be a part.
- (q)* In addition to the standards required pursuant to Section 5.2.6, the Commission shall also consider: whether the Fueling Station will increase competition and improve the pricing of fuel to consumers; whether it will have a favorable impact on local street traffic flow by virtue of its internal location; whether the fact that most of the customers will already be entering and exiting the roadway for other purchases at other retail units within the Shopping Center and not generating additional traffic; and whether there is a traffic signal at the intersection of the internal drive and the adjoining street to regulate traffic from the use.

All additions are shown in bold italic. No deletions have been made except for renumbering.